

TAITANO_C.gar8

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRISPIN ATALIG TAITANO,

Defendant,

BANK OF HAWAII,

Garnishee.

CRIMINAL CASE NO. 04-00017

**MOTION FOR ENTRY OF
ORDER OF GARNISHMENT**

Plaintiff, United States of America, respectfully requests the Court to enter the Order of Garnishment in this matter pursuant to 28 U.S.C. § 3205(c)(7). In support of this motion, the United States respectfully states to the Court the following:

1. On September 6, 2005, the District Court for the Northern Mariana Islands sentenced CRISPIN ATALIG TAITANO for violations of 18 U.S.C. §§ 2252A(a)(2)(A) and 2252(b)(1), Receipt of Child Pornography. As part of his sentence, TAITANO was ordered to pay a fine of \$10,000 and a \$100 special assessment fee, the sum of which (\$10,100) was to be paid in \$500 monthly installments over a 20-month period to commence 30 days after September 6, 2005. TAITANO was also ordered to serve a term of imprisonment of 60 months to be

followed by three years of supervised release, and to pay monthly cost of \$1,933.80 for his imprisonment (or \$116,028 = \$1,933.80 x 60 months) and monthly cost of \$287.73 for his supervised release (or \$10,358.28 = \$287.73 x 36 months).

2.TAITANO has not paid the above-referenced debt as ordered and as reflected to date by his Payment History Table:

Court Date Payment	Amount	Principal Balance	Interest Balance
18-OCT-2005	\$500.00	\$9,500.00	\$28.26
01-JUN-2006 (3/06 BOP) ¹	\$100.00	\$9,400.00	\$167.45
28-JUN-2006 (4/06 BOP)	\$100.00	\$9,300.00	\$200.90
02-JUN-2006 (5/06 BOP)	\$100.00	\$9,200.00	\$229.13
10-JUL-2006 (6/06 BOP)	\$100.00	\$9,100.00	\$261.87
02-AUG-2006 (7/06 BOP)	\$100.00	\$9,000.00	\$289.49
06-SEP-2006 (8/06 BOP)	\$100.00	\$8,900.00	\$315.86
05-OCT-2006 (9/06 BOP)	\$100.00	\$8,800.00	\$349.39
02-NOV-2006 (10/06 BOP)	\$100.00	\$8,700.00	\$374.26
04-DEC-2006 (11/06 BOP)	\$100.00	\$8,600.00	\$399.75
08-JAN-2007 (12/06 BOP)	\$100.00	\$8,500.00	\$430.35
02-FEB-2007 (1/07 BOP)	\$100.00	\$8,400.00	\$456.15
05-MAR-2007 (2/07 BOP)	\$150.00	\$8,250.00	\$486.04
05-APR-2007 (3/07 BOP)	\$150.00	\$8,100.00	\$510.22
03-MAY-2007 (4/07 BOP)	\$150.00	\$7,950.00	\$535.65

Interest and penalties accrue on any unpaid fine balance. 18 U.S.C. § 3612(f) and (g).

TAITANO has defaulted on his criminal monetary obligations and the entire unpaid balance, including interest and penalties, of his debt is due. 18 U.S.C. § 3572(i).

3. On March 16, 2007 the United States filed an Application for Writ of Garnishment against the Garnishee - Bank of Hawaii, a banking institution. The Writ of Garnishment issued on March 23, 2007 and ordered that Garnishee answer whether it had in its custody, control or possession any personal property belonging to and due TAITANO (Defendant-Debtor).

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¹. "BOP" refers to payments received from TAITANO through the U.S. Bureau of Prisons.

1 4. On about April 17, 2007, the Garnishee filed an Answer and stated that at the time
2 of the service of the Writ it had in its possession or under its control property in which the
3 Defendant maintains an interest, i.e., (1) funds deposited in Savings Account No. XXXX-
4 XX7619 of approximately \$21,484.66; (2) funds deposited in Savings Account No. XXXX-
5 XX8753 of approximately \$13,984.24; and (3) funds deposited in TCD Account No.
6 XXXXXX2224 of approximately \$63,160 [of which an amount of \$38,603.16 is bank collateral].
7 On about April 30, 2007, the Garnishee filed an Amended Answer and clarified that (1) funds
8 deposited in Savings Account No. XXXX-XX7619 of approximately \$21,484.66 plus
9 subsequent deposits belongs solely to TAITANO; (2) funds deposited in Savings Account No.
10 XXXX-XX8753 of approximately \$13,984.24 belongs solely to TAITANO; and (3) of funds
11 deposited in TCD Account No. XXXXXX2224 of approximately \$63,160 - the amount of
12 \$38,603.16 is bank collateral and an amount of approximately \$24,556.84 belongs solely to
13 TAITANO. The Garnishee holds property belonging to TAITANO in the total principal amount
14 of \$60,025.74 (the sum of \$21,484.66 + \$13,984.24 + \$24,556.84), plus accrued interest and
15 subsequent deposits.

16 5. The defendant was served on March 23, 2007 with a copy of the Writ of
17 Garnishment and notified of his right to a hearing. The defendant was served on April 17, 2007,
18 and April 30, 2007, with a copy of the Answer of the Garnishee and Amended Answer of the
19 Garnishee, respectively. The defendant has not filed a response to the Notice of Garnishment
20 served on him on March 23, 2007; has not claimed any exemption of the garnished property; and
21 has not requested a hearing to determine exempt property.

22 6. Title 28, U.S.C., § 3205(c)(7) states:

23 After the garnishee files an answer and if no hearing is requested
24 within the required time period, the Court shall promptly enter an
25 order directing the garnishee as to the disposition of the judgment
26 debtor's non-exempt interest in such property. If a hearing is
27 timely requested, the order shall be entered within 5 days after the
28 hearing, or as soon after as is practicable.

1 7. As set forth in the Writ of Garnishment, the amount of the debt due totals
2 \$135,149.09, as of March 15, 2007. The United States respectfully requests that the Court enter
3 an Order of Garnishment against TAITANO in the principal amount of \$60,025.74, plus accrued
4 interest and any subsequently deposited funds for partial satisfaction of his criminal debt. The
5 United States further requests a continuing garnishment order for Fifty percent (50%) of each
6 future deposit from the Northern Mariana Islands Retirement Fund or ACH (Automated Clearing
7 House) into Savings Account No. XXXX-XX7619 to remain in effect until satisfaction of the
8 debt.

9 WHEREFORE, all conditions to the issuance of an Order in Garnishment against the
10 non-exempt property of the defendant are fully satisfied. The United States respectfully requests
11 that an Order of Garnishment be entered directing Bank of Hawaii as to the disposition of the
12 defendant's property in its custody, possession, or control.

13 DATED this 9th day of May, 2007.

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15 LEONARDO M. RAPADAS
16 United States Attorney
 Districts of Guam and the NMI

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18 By: /s/ Marivic P. David
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